

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**SHELDON CUMMINS,**

**Plaintiff,**

**v.**

**No. 14-cv-0558 LH/SMV**

**JOSEPH GARCIA, et al.,**

**Defendants.**

**ORDER**

THIS MATTER is before the Court on Petitioner's petition under 28 U.S.C. § 2254 for a writ of habeas corpus, *see* 28 U.S.C. § 2254 R. 4, and the Court having determined that the petition may not be subject to summary dismissal, will order Respondents to answer.

**IT IS THEREFORE ORDERED** that the Clerk is directed to forward copies of this Order and the petition to Respondents.

**IT IS FURTHER ORDERED** that Respondents answer the petition **within thirty (30) days from entry of this Order**. Respondents' answer shall advise, but is not limited to, whether the Petitioner has exhausted his state court remedies as to the issues raised in the federal habeas petition. Respondents shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondents shall also attach to the answer copies of all state court findings and conclusions, docketing statements, and opinions issued in Petitioner's state court post-conviction or appellate proceedings. The answer must describe the

procedural history of each claim that Respondents contends is unexhausted and identify the state procedures that are currently available to Petitioner.

**IT IS SO ORDERED.**



---

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**